

THE HONOURABLE SRI JUSTICE V.ESWARAIAH

-
WRIT PETITION No :25849 of 2005

-
DATED:27-02-2007

BETWEEN:

A.V.Subba Reddy.

..... PETITIONER

AND

The Superintendent of Police,
Kurnool District & another.

.....RESPONDENTS

-
-
-
-

ORDER:

Heard learned counsel for the petitioner as well as the learned Government Pleader for Home appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the action of the 1st respondent in insisting him to pay the cost of gun men *in spite* of existence of severe life threat, as illegal, and arbitrary.

3. It is stated that though two gunmen are provided to the petitioner but only one weapon is given to them and around clock only one gunman is working.

4. Learned Government Pleader appearing for the respondents submits that unless two gunmen are provided it is not possible for them to provide security around the clock and therefore one gunman is working for twelve hours and another gunman is working for the remaining twelve hours and the 1st gunman who works for twelve hours has to take rest for the remaining twelve hours and therefore, the petitioner has to pay the cost for two gunmen. As the service of two gunmen is provided to the petitioner, I am of the opinion that the action of the respondent in seeking to collect cost for two gunmen is just and proper.

5. Learned Government Pleader further stated that the Government issued guidelines with regard to the Personal Security Officer to private persons vide its G.O.Rt.No.655, Home (SC.B) Department,

dated 13-03-1997 Clause C(2) which clearly envisages that a private person may be provided individual security on threat perception only on advance payment basis subject to availability of manpower with the Unit Officer concerned. It is further stated that with regard to the allegation made by the petitioner that the extremists have given warnings, and paper statement against him, no such cases were reported and in fact the petitioner is now residing in Nandyal town, moving freely and doing business, and therefore, the action of the respondent insisting the petitioner to bear the cost for the security provided to him is legally valid and in accordance with law.

6. In view of the aforesaid facts and circumstances and even according to the averment made by the petitioner that two gunmen were provided, but around the clock only one gunman is there along with him, I am of the opinion that even if one gunman is there around the clock petitioner has to pay the cost for two gunmen as they have to work in shift around the clock. Therefore,
I do not see any merits in this petition.

7. Accordingly, the Writ Petition is dismissed. No order as to costs.

V.ESWARAIAH,J

27th February, 2007.

Tsy